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Douglas, William D.

Sec. 4.01.2 Points of

Rebellion

CIA 2.04.2 Research

Quotations From Chairman Douglas

The fanaticism of some opponents of Judge G. Harrold Carswell's nomination to the Supreme Court was never better illustrated than a speech by a congressman on the floor of the House of Representatives several days ago. In fact numerous House members are offering their views on Carswell, mostly those opposing him, although the consideration of the nomination is the exclusive prerogative of the Senate.

This particular congressman, Rep. Donald W. Riegle, R., Mich., said: "The larger issues at stake today with the Carswell nomination are those of human rights, judicial excellence and national unity—urgent issues of overriding priority."

Said Riegle: "It is clear to me that the No. 1 moral imperative in the United States today is to finally insure the full and equal rights of all our citizens . . . As a nation, we should insist, with one voice, that there is no room on the Supreme Court, or any other court, for anything less than full and vigorous support for insuring the constitutionally guaranteed equal rights for all Americans."

A couple of days before that, another House member, also a Republican, Rep. William L. Scott of Virginia, placed in the Congressional Record some interesting excerpts from a recent book by Supreme Court Justice William O. Douglas.

It points up the conflict in philosophy and ethical values of a great many American citizens, for Mr. Justice Douglas in his volume, "Points of Rebellion," made several remarkable comments for a jurist whose requisite is one of fair and impartial mein toward all issues. Here are a few excerpts from this volume:

"Our militarism threatens to become more and more the dominant force in our lives. This is an inflammatory issue; and dissent on it will not be stilled."

"If history is a guide, the powers that be will not respond until there are great crises, for those in power are blind devotees to private enterprise. They accept that degree of socialism implicit in the vast subsidies to the military-industrial complex, but not that type of socialism which maintains public projects for the disemployed and the unemployed alike."

"The use of violence as an instrument of persuasion is . . . inviting and seems to the discontented to be the only effective protest."

"The special interests that control government use its powers to favor

themselves and to perpetuate regimes of oppression, exploitation, and of discrimination against the many."

"The universities should be completely freed from CIA and from Pentagon control, through grants of money or otherwise. Faculties and students should have the basic controls so that the university will be a revolutionary force that helps shape the restructuring of society."

"George III was the symbol against which our founders made a revolution now considered bright and glorious. George III had not crossed the seas to fasten a foreign yoke on us . . . We must now realize that today's Establishment is the new George III. Whether it will continue to adhere to his tactics, we do not know. If it does, the redress, honored in tradition, is also the revolution."

"That revolution — now that the people hold the residual powers of government — need not be a repetition of 1776. It could be a revolution in the nature of an explosive political regeneration. It depends on how wise the Establishment is. If, with its stockpile of arms, it resolves to suppress the dissenters, America will face, I fear, an awful ordeal."

To paraphrase Congressman Riegle, the larger issues at stake in the Carswell nomination would seem to be only

one thing: A return of the courts and specifically the Supreme Court of the United States, to a rule of law instead of a rule of polemicists, advocates of judicial legislation, and political revolutionaries sitting on the U. S. Supreme Court.

If the Founding Fathers who made the Revolution that Douglas points to with such pride had ever contemplated that one day the Federal Republic they envisioned in the late 18th Century would become an instrument at the mercy of free-wheeling judges making and unmaking laws at their own particular whim, then they would have embraced George III and begged forgiveness.

Michigan's Congressman Riegle speaks of "judicial excellence" in his philippic delivered against the nomination of Judge Carswell; presumably those who march to another tune hear sounds not audible to ordinary folk.

Is judicial excellence in their terminology something to be equated with a call to revolution by a jurist who has occupied a seat on the highest tribunal of this land for 30 years? Is this the standard we must now raise in matching it to men for places on our courts?